

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MOSES KALANI RISING SUN,)

Defendant.)

CASE NO. 05-262 M

DETENTION ORDER

Offenses charged:

Count I: Aiding and Abetting 1st Degree Murder, in violation of Title 18, U.S.C., Sections 1153(a), 1111, and 2; and

Count II: Accessory After the Fact, in violation of Title 18, U.S.C., Sections 1153(a), 1111, and 3.

Date of Detention Hearing: May 23, 2005.

The Court conducted both a detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the District of Montana, Billings Division to answer the charges.

The detention hearing was uncontested, and the defendant may address the issue of detention in Montana. Moreover, based upon the factual findings and statement of reasons for detention hereafter set forth, the Court finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Lisca Borichewski. The defendant was represented by Tom Hillier.

The Government moved for detention, to which the defendant stipulated.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant poses a risk of nonappearance as his ties to this district or the District of Montana are unknown/unverified and his personal history is unknown.

(2) Due to the nature and seriousness of the crime alleged, release of the defendant would pose a risk of danger to the community.

(3) The defendant stipulated to detention, reserving his right to make more complete argument in the District of Montana.

Thus, there is no condition or combination of conditions that would reasonably assure future court appearances.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this order to counsel for the United States,

1 to counsel for the defendant, to the United States Marshal, and to the
2 United States Pretrial Services Officer.

3 DATED this 24th day of May, 2005.

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6 MONICA J. BENTON
United States Magistrate Judge
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